

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND
LIABILITY ACT

14-14-I. Small Business and Brownfields Liability Clarifications

1. **AUTHORITY.**

- a. To exercise authority pursuant to Section 107(o)(2)(A) (regarding exceptions to the de micromis exemption) and Section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- b. To exercise authority pursuant to Section 107(q)(3) (regarding issuance of no action assurances and grants of protection against a cost recovery or contribution action under Section 113(f) to contiguous property owners).
- c. To exercise authority pursuant to Section 107(r) (regarding agreements to obtain a lien on other property or to obtain other satisfactory assurance of payment for unrecovered response costs regarding the prospective purchaser exemption).
- d. To exercise authorities pursuant to Sections 107(o)-(r) other than those authorities specified in paragraphs 1.a. through 1.c. above and in paragraphs 1.a. and 1.b. of National Delegation 14-14-I issued July 28, 2003 and updated February 1, 2017.

2. **TO WHOM DELEGATED.** Regional counsel.

3. **LIMITATIONS**


- a. The delegatee must exercise the authorities in paragraph 1.a. in consultation with the assistant administrator or designee for Office of Enforcement and Compliance Assurance, who may waive, in whole or in part, any of these limitations by memorandum.
- b. When the delegatee exercises the authority in paragraph 1.a. regarding natural resource restoration, that official must consult with the federal natural resource trustee.
- c. The delegatee must obtain the concurrence of the AA for OECA prior to exercising the authority in paragraph 1.b. The AA for OECA may waive, in whole or in part, this limitation by memorandum.
- d. The delegatee must exercise the authority in paragraph 1.c. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, this limitation by memorandum.
- e. This authority must be exercised consistent with the most recent version of the OSRE CERCLA Prior Approval, Concurrence and Consultations Roles Chart or successor documents.
- f. The delegatee must exercise these authorities in consultation with the director or designee for the Land, Chemical and Redevelopment Division.

4. **REDELEGATION AUTHORITY.**

- a. The authority in 1.a. and 1.b. may be redelegated to the branch chief level, or equivalent, and no further.
- b. The authority in 1.c. and 1.d. may be redelegated to the section chief level, or equivalent, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. CERCLA §107.
- b. Small Business Liability Relief and Brownfields Revitalization Act, §§ 102, 221 and 222.
- c. Delegation 14-26, Federal Lien.
- d. Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.
- e. Executive Order 13308, June 20, 2003.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date